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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,831	01/16/2004	Kenya Uomori	MTS-3185US4	4770
23122	7590	11/02/2007		
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			EXAMINER ALSOMIRI, ISAM A	
			ART UNIT	PAPER NUMBER
			3662	
			MAIL DATE	DELIVERY MODE
			11/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/759,831

Applicant(s)

UOMORI ET AL.

Examiner

Isam Alsomiri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27, 28 and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27, 28 and 35-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/463,530.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Netzer US 5,930,383 in view of Takaha US 6,021,221.

Referring to claim 27, Netzer discloses in figures 1 and 5 a camera (30) for shape measuring or object extracting comprising: light-emitting means of irradiating an object with projected light having different radiation patterns (32-40); image-picking up means of image-picking up reflected light of the light-emitting means from the object to obtain a depth an image using light intensity of an image picked up (Abstract), comprising; depth distance calculating means of calculating depth distances of respective pixels on the image by using light intensity of the respective pixels (abstract, col. 1:5-10) ; recording media for recording the image correlated with the calculated depth distances of the respective pixels (39); a display panel for displaying the recorded image (col. 7:10-13). Netzer is silent having an object extracting means of extracting (1) an object which exists less than a depth distance denoted by a user, or (2) an the object which exists within a range of based on a depth distance of the pixel denoted by the user on the displayed image, by using the recorded depth distances. Takaha teaches an image processing system that extract pixels denoted by the user, wherein the image

is subdivided into multiple regions wherein each pixel is identified by its coordinate (see Abstract). It would have been obvious to modify Netzer to include an image processing means similar to that of Takaha which extract pixels denoted by the user. Further, since all the pixels of the three-dimensional image created by Netzer are correlated with their coordinates (depth, distance, position), it would not be difficult to incorporate the teaching of Takaha because most of the image processing is done by Netzer.

Referring to claim 36, the combination of Netzer and Takaha teaches the object extracting means, when the user denotes a plurality of pixels, extracts the object which exists within the range of the greatest depth distance of the depth distances of the pixels denoted by the user but out of the range of the least depth distance of the depth distances of the pixels denoted by the user (see Takaha abstract).

Referring to claim 37, the combination of Netzer and Takaha teaches the depth distances being calculated based on two fields of the image, which have been taken by using different radiation patterns, each of the two fields having a respective field time period and each radiation pattern alternately emitting light for each field time period (see Abstract "sequentially illuminated").

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Netzer US 5,930,383 in view of Takaha US 6,021,221 and Katayama et al 6,404,936.

The combination of Netzer and Takaha teaches a display panel for displaying the extracted object. The combination is silent about a portion taken for the background or foreground with respect to the displayed object by a malfunction in an extracting

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process is denoted by the user, whereby the erroneous background or foreground extracting operation is corrected. However, extracting or deleting background of foreground or any other unwanted features in an image could be done by well known image processing (editing). Katayama teaches an imaging processing tool or software that modifies an image to remove any erroneous or unwanted parts of the image like background/foreground or other parts (see col. 1 lines 9-12, 42-55, col. 3 lines 7-9, col. 5 lines 49-60). It would have been obvious to modify combination to include the image processing step to extract or delete erroneous background or foreground by image processing for clearer images of object and faster processing. Further, controlling the operation by touching a panel instead of using a mouse for example is well known. Takaha teaches an image processing apparatus including a touch panel (see col. 9 lines 46-50). It would have been obvious to modify Sorimachi to include the touch panel as an alternative method of input device for the user for faster input and control.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Netzer US 5,930,383 in view of Takaha US 6,021,221 and Sorimachi et al US 4,867,570. The combination of Netzer and Takaha does not teach extracting a color image of pixels denoted by the user. Sorimachi teaches extracting a color image for the object which exists within the range of the depth distance denoted by the user (see col. 1:59-61 and col. 2:56-49). It would have been obvious to modify the combination to include the color extraction for easier identification of selected pixels.

Response to Arguments

Applicant's arguments with respect to claims 27-28 and 35-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

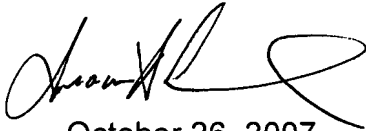
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isam Alsomiri whose telephone number is 571-272-6970. The examiner can normally be reached on Monday-Friday 8:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Isam Alsomiri

A handwritten signature in black ink, appearing to read 'Isam Alsomiri', with a stylized flourish at the end.

October 26, 2007